

**Camden Select Board
Minutes of Meeting
April 6, 2010**

PRESENT: Chairperson Karen Grove, Vice Chairperson Deborah Dodge, John French, Anita Brosius-Scott, Morgan Laidlaw. Also present were members of the press and public.

ABSENT: Town Manager Roberta Smith and Town Attorney William Kelly

Contents

1. Public input on non-agenda items
2. Approval of Select Board Meeting Minutes from February 2, 2010, February 16, 2010, February 23, 2010, March 2, 2010, and March 16, 2010.
3. Consideration of the request to withdraw \$3,000 from the Harbor Projects Reserve to install an additional power pedestal on the Town docks for transient use.
4. Consideration of the balance of the Opera House Maintenance Reserve withdrawal requests as submitted March 16, 2010.
5. Report from Megunticook Rowing on required permitting for the Barrett's Cove site, and approval of the License Agreement for the continued interim use of the Barrett's Cove lot for the Megunticook Rowing's 2010 programs.
6. Public Hearings on proposed amendments to the shoreland sections of the Camden Zoning Ordinance:
 - a. Article III – Add a new shoreland zoning definition and amend 3 existing shoreland zoning definitions
 - b. Article VI – Clarify a paragraph on combining contiguous lots in the shoreland zone by adding “prior to June”
 - c. Article X – Clarify three shoreland zoning provisions relating to soil disturbance, measuring shoreland setbacks and footpaths.
8. Public Hearings on the proposed amendments to the Camden Zoning Ordinance:
 - a. Article V – Clarify “new use” to include change of ownership and require posting of permits on the Town website.
 - b. Article VIII –Clarify the minimum side setback requirements in the B-3 District.
 - c. Article X – Clarify the administrative procedure for annual payments to the Parking Trust Fund.
9. Public Hearings on the following liquor license and special amusement permit applications:
 - a. Application of Whitehall Inn, LLC at 52 High Street for a Class I-A Hotel Malt, Spirituous, and Vinous Liquor License.
 - b. Application of Camden Deli, Inc. at 37 Main Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.
 - c. Application of Thai Kitchen by Yang, Inc. at 31 Elm Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.

- d. Application of Cappy's Chowder House, Inc. at 1 Main Street for a Class XI Restaurant/Lounge Malt, Spirituous, and Vinous Liquor License.
 - e. Application of Breda, LLC, d/b/a Camden Harbour Inn at 83 Bay View Street for a Class I Hotel Malt, Spirituous, and Vinous Liquor License
 - f. Application of Cappy's Chowder House at 1 Main Street for a Special Amusement Permit.
 - g. Application of Village Restaurant at 5 Main Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.
 - h. Application of Harbour Inn at 83 Bay View Street for a Special Amusement Permit.
10. Consideration of the application from David & Kallstrand, d/b/a Timbercliffe Cottage Bed & Breakfast at 64 High Street for renewal lodging and victualer licenses.

11. Committee Reports

Minutes of Meeting

1. There was no public input on non-agenda items
2. Approval of Select Board Meeting Minutes from February 2, 2010, February 16, 2010, February 23, 2010, March 2, 2010, and March 16, 2010 was moved to the end of the agenda.
3. Harbormaster Steve Pixley and Harbor Committee Chair Gene McKeever requested approval to withdraw \$3,000 from the Harbor Projects Reserve to install an additional power pedestal on the Town docks for transient use. The total estimated cost for the installation is \$3,000, \$1,025 for the 100 Amp power pedestal and \$1,975 for the installation, including a 100 amp feed from shore to the dock. The additional pedestal will generate more revenue in two ways: 1) the attraction of vessels that would otherwise not dock at town facilities because they need/want power, and 2) the additional charge for electric service, which in part, is meant to cover the cost of the electricity and the capital investment. The Harbor Committee recommends this installation.

Morgan Laidlaw made a motion to approve the withdrawal of \$3,000 from the Harbor Projects Reserve to install an additional power pedestal at the town docks. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

4. Opera House Manager Kerry Hadley requested consideration of the balance of the Opera House Maintenance Reserve requests that she submitted at the previous Select Board Meeting. The remainder of Ms. Hadley's requests include funds for re-wallpapering the Tucker Room, upgrade the existing lighting equipment and installation of a camera and switching system in the Auditorium.

Manager Smith was not present at the meeting but provided a memo recapping the proposed expenditures, including her recommendation on the balance of the expenditure requests. In her memo she indicates that the camera system will require some dedicated wiring, the cost of which can be covered with the current operating budget.

Select Board members discussed whether the Tucker Room should be re-papered or painted due to the ongoing damage to wallpaper by users taping things to it, and the expense of repairing wallpaper. If it is re-papered, the damage and repair expense will continue. The majority of the Board preferred wallpaper due to historical aesthetics. It was suggested that attractively-framed bulletin boards be strategically placed to enable users to post items without damaging the wallpaper. Opera House Manager Kerry Hadley agreed.

Select Board members questioned the rationale for paying for half of the camera system out of the town's contingency. The Opera House Manager's justification was that the town request use of the auditorium several times a year to broadcast special meetings and also the Select Board had requested a few years ago that she look into installing a camera in the auditorium for better broadcasting capabilities for the Annual Town Meeting. Board members did not feel the percentage of the town use was enough to take funds from contingency for the camera system.

John French made a motion to approve the proposed expenditures for the rewallpapering of the Tucker Room and the upgrade to the recently purchased stage lights, and to approve the withdrawal of up to \$27,250 from the Opera House Maintenance Reserve for these expenditures. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.

John French made a motion to approve the purchase and installation of a new auditorium camera and switching system at an estimated cost of \$20,000, to be funded 100% from the Opera House Maintenance Reserve. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

5. Meredith Currier of Megunticook Rowing presented to the Board a report of their efforts regarding the five contingencies set forth at the previous Select Board meeting.
 - a.) The license agreement has been revised to reflect a one year term.
 - b.) A clause regarding non-permeable materials has been added
 - c.) A clause regarding restoring the areas where cutting occurs to their natural state should the Town require it has been added
 - d.) They have met with the town's CEO Jeff Nims and he referred them to MDEP. They have sent the paperwork which they will submit once the license agreement has been approved.
 - e.) They received endorsement from the Camden Conservation Commission for this proposal.

Ray Andresen, Chair of the Parks & Recreation Committee came before the Select Board and stated he fully supports expansion of the town's recreational opportunities for our young and old. He also fully supports the expansion of the rowing program. However, he would like to point out that the Select Board reviewed this proposal before their committee had a chance to discuss the expansion with Megunticook Rowing. Their committee did approve the program last year but they have not made a recommendation on the expansion of this program. He wanted to be sure the Board understood their committee will not be able to make a recommendation to the Select Board because they will not be meeting to discuss this until tomorrow evening.

Board members were under the assumption that the Parks & Recreation Committee were included in the discussions because members of the Parks & Recreation Committee along with Parks & Recreation Director Jeff Kuller had been attending the meetings and the Select Board also received a letter of support from the Parks & Recreation Director. It was the consensus of the Board not to make Megunticook Rowing wait on a recommendation from the Parks & Recreation Committee as this proposal has already been postponed for at least 6 weeks.

John French made a motion to approve the proposed Revocable License with Megunticook Rowing contingent on the Town Attorney's approval and include proper warning signage on dock. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

Chairperson Grove read the rules and regulations for conducting public hearings in preparation of the public hearings to be held this evening.

6. Public Hearings were held on proposed amendments to the shoreland sections of the Camden Zoning Ordinance. CEO Jeff Nims explained that most of these amendments are required by MDEP to meet the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances. All of the proposed amendments were approved 3-0 by the Planning Board to move forward to the Select Board for public hearings.

- a. **Article III – add a new shoreland zoning definition and amend 3 existing shoreland zoning definitions.**

Jeff Nims reported that DEP is requiring an amendment to the definition “Functionally Water-Dependent Uses” to exclude recreational boat storage buildings as a water dependent use and not allowed within the shoreland setback as new construction in residential areas only. This does not apply to commercial properties.

Chairperson Grove asked to hear from any proponents. There were none.
Chairperson Grove asked to hear from any opponents. There were none.
Chairperson closed the public portion of the hearing.

Deborah Dodge made a motion to move the amendment of Article III, shoreland zoning definition of Functionally Water Dependent Uses to the June Annual Town Meeting Warrant. John French seconded this motion. The motion passed on a 5-0-0 vote.

Jeff Nims reported that DEP is requiring a new definition “GPA” (Great Pond Act) but as you can see it is not a helpful definition because it does not tell you what GPA stands for. GPA stands for Great Pond Act which means anything over 10 acres is a great pond. He is going to talk to MDEP to see if we can tweak the definition to explain what it stands for. He is proposing withdrawing this amendment and moving it to the November ballot.

Deborah Dodge made a motion to withdraw the amendment of Article III, shoreland zoning definition of GPA for the June Annual Town Meeting Warrant. John French seconded this motion. The motion passed on a 5-0-0 vote.

Jeff Nims reported that DEP is requiring amending the definition Normal High Water Mark by deleting the words “Coastal and” from the heading.

Chairperson Grove asked to hear from any proponents. There were none.
Chairperson Grove asked to hear from any opponents. There were none.
Chairperson closed the public portion of the hearing.

Deborah Dodge made a motion to move the amendment of Article III, shoreland zoning definition of Normal High Water Mark to the June Annual Town Meeting Warrant. Anita Brosius-Scott seconded this motion. The motion passed on a 5-0-0 vote.

Jeff Nims reported that MDEP has asked that we amend the Wetland and Coastal Definition but after another review by Board member Brosius-Scott there is another definition Coastal, Wetland that is very similar. Mr. Nims is requesting that this amendment be tabled.

John French made a motion to table the amendment of Article III, shoreland zoning definition of Wetland and Coastal for the June Annual Town Meeting Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

b. Article VI – clarify a paragraph on combining contiguous lots in the shoreland zone by adding “prior to June 12, 1990”.

Jeff Nims reported this is another change required by MDEP. DEP is trying to get a date into the ordinance to key it off whenever something is grandfathered. Jeff went back to the prior ordinances and found when the date was added for this provision so that is how they arrived at the date prior to June 12, 1990.

Chairperson Grove asked to hear from any proponents. There were none.
Chairperson Grove asked to hear from any opponents. There were none.
Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article VI, to the Annual Town Meeting Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

c. Article X – clarify three shoreland zoning provisions relating to soil disturbance, measuring shoreland setbacks and footpaths.

Jeff Nims reported these amended provisions are in Article X, Performance Standards. This first amendment is in Part I, Section 1, Shoreland Areas (2)(d) relating to soil disturbance and DEP is asking us to add the phrase “and coastal wetlands” after the word waterbodies in the first sentence.

Chairperson Grove asked to hear from any proponents. There were none.
Chairperson Grove asked to hear from any opponents. There were none.
Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article X, Performance Standards, Part I. Section 1, Shoreland Areas (2)(d) first sentence to the Annual Town Meeting Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

Jeff Nims reported another amended provision is in Article X, Performance Standards. This amendment is in Part I, Section 1, Shoreland Areas (9)(j) relating to shoreland setbacks. The Planning Board voted to amend this section by adding a new paragraph titled “Nearest Horizontal Distance - Coastal Wetlands” to require a surveyor to determine the 75-foot minimum shoreland setback for any new structure that is proposed to be located within 85 feet of the apparent edge of the coastal wetland.

Chairperson Grove asked to hear from any proponents. There were none.
Chairperson Grove asked to hear from any opponents. There were none.
Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article X, Performance Standards, Part I. Section 1, Shoreland Areas (9)(j) by adding a new paragraph entitled Nearest Horizontal Distance –Coast Weltands to the Annual Town Meeting Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

Jeff Nims reported the last amended provision is in Article X, Performance Standards, Part 1, Section 1, Shoreland Areas, (9)(l)(7) to change an incorrect reference concerning footpaths in the same Section 1 from (9)(i) to (14)(b)(1). This is another amendment from the MDEP.

Chairperson Grove asked to hear from any proponents. There were none.
Chairperson Grove asked to hear from any opponents. There were none.
Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article X, Performance Standards, Part I. Section 1, Shoreland Areas (9)(l) (7) to change an incorrect reference concerning footpaths to the Annual Town Meeting Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

7. Public Hearings were held on proposed amendments to the Camden Zoning Ordinance. All of the proposed amendments were approved 3-0 by the Planning Board to move forward to the Select Board for public hearings.

a. Article V – clarify new use to include change of ownership and require posting of permits on the town website.

- (1) Jeff Nims reported this revision changes requirements for notice of building permits. The Planning Board is recommending taking out the requirement to be published in a local newspaper and add posted on the town website within 15 days at the end of each month.

Chairperson Grove asked to hear from any proponents. There were none.

Chairperson Grove asked to hear from any opponents. There were none.

Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article V, Administration and Enforcement Sections 1 to change posting of permits on the town website to the Annual Town Meeting Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

- (2) Jeff Nims reported this revision recommends replacing the requirement for a change of use permit to a “new use” permit, which shall include a change in majority ownership of commercial property or a modification that is subject to an ordinance requirement or review criteria for that commercial use.

Chairperson Grove asked to hear from any proponents. There were none.

Chairperson Grove asked to hear from any opponents. There were none.

Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article V, Administration and Enforcement Sections 2 to clarify new use to include change of ownership to the Annual Town Meeting Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

b. Article VIII – clarify the minimum setback requirements in the B-3 District

Jeff Nims reported this change is being recommended for ordinance conformity to require a minimum side setback of 15 feet on both sides when an existing structure fails to meet the minimum side setback requirement on either side.

Chairperson Grove asked to hear from any proponents. There were none.

Chairperson Grove asked to hear from any opponents. There were none.

Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article VIII, Section 10, Transitional Business District E, Minimum Setbacks, Sewer, Residential, Side clarify minimum side setbacks in the B-3 District to the Annual Town Meeting

Warrant. Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

- c. Article X – clarify the administrative procedure of annual payments to the Parking Trust Fund.**

Jeff Nims reported this amendment deletes the need the need for Zoning Board Approval in order to make annual payments to the Parking Trust Fund.

Chairperson Grove asked to hear from any proponents. There were none.

Chairperson Grove asked to hear from any opponents. There were none.

Chairperson closed the public portion of the hearing.

John French made a motion to move the amendment of Article X, Performance Standards, Part II, Section 4(2), Methods of Meeting Parking Requirements, (c)(5) to the June Annual Town Meeting Warrant. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.

After brief discussion the Board agreed to group the warrant articles that were requested changes by MDEP for the Annual Town Meeting Warrant. The rest of the amendments will be separate questions.

8. Public hearings were held regarding several liquor and special amusement permits. All applications have been approved and reviewed by the Camden Police Chief and the special amusement permit applications have all had life safety inspections completed by the Camden Fire Department.

Chairperson Grove asked to hear from any proponents. There were none.

Chairperson Grove asked to hear from any opponents. There were none.

Chairperson closed the public portion of the hearing

John French made a motion to approve the following:

- a. Application of Whitehall Inn, LLC at 52 High Street for a Class I-A Hotel Malt, Spirituous, and Vinous Liquor License.**
- b. Application of Camden Deli, Inc. at 37 Main Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.**
- c. Application of Thai Kitchen by Yang, Inc. at 31 Elm Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.**
- d. Application of Cappy's Chowder House, Inc. at 1 Main Street for a Class XI Restaurant/Lounge Malt, Spirituous, and Vinous Liquor License.**
- e. Application of Breda, LLC, d/b/a Camden Harbour Inn at 83 Bay View Street for a Class I Hotel Malt, Spirituous, and Vinous Liquor License**
- f. Application of Cappy's Chowder House at 1 Main Street for a Special Amusement Permit.**
- g. Application of Village Restaurant at 5 Main Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.**
- h. Application of Harbour Inn at 83 Bay View Street for a Special Amusement Permit.**

Deborah Dodge seconded this motion. The motion passed on a 5-0-0 vote.

9. **John French made a motion to approve the renewal lodging and victualer license for Timbercliffe Cottage Bed & Breakfast. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.**

Went back to Agenda item #2

2. The Board held a discussion regarding the Select Board minutes.

The Board discussed what kinds of things the Board can change in the minutes. They understand Anita's concern for clarity but there are some instances that by changing the grammar or rewording it to make it more clear can actually change the meaning of what was said.

Board member French stated the Town Attorney addressed this issue awhile ago and he told us the minutes have to reflect what was said not what we think they meant to say no matter how it sounds.

Board member Brosius-Scott was concerned with some cases verbatim and other cases just transferring what was discussed. Her suggestions are for changes relating to what was discussed to make them more clear as to opposed changing someone's quotes.

Board member French does not feel we need to get into any more detail than looking to make sure the content is correct and the votes and motions are correct. As far as the minutes being backlogged this is not a new problem this is the way it has been for years. The town office has always been very good about getting information to people when requested. The DVDS are available and if someone wants to hear what happened verbatim then they need to take the responsibility to come into the town office and ask for a copy of the DVD and take it home and listen to it.

Board member Dodge thinks that as the Board reviews the meeting minutes and if something does not sound logical or don't remember what was said exactly we could ask to have the tapes checked instead of trying to reword someone's quotes for clarification. The intent of the minutes is not to make a polished perfect transcript for the future.

After a 45 minute discussion on reviewing and editing Board minutes,

Board member Brosius-Scott made a motion to table the minutes of February 2, 2010 because she suggested some adjustments to the minutes that will require the tapes being re-checked for accuracy.

The motion was not seconded therefore the motion died due to a lack of a second.

Board member French commented unless someone is going to take the time to relisten to the tapes for these sets of minutes then he thinks we need to go with what is in the minutes. He is not going to ask Janice to re-listen to the tapes because she already has enough to do and he is quite sure she has already listened to them when transcribing these minutes. He feels if a Board member has an issue of what is in the minutes then they need to take the responsibility to ask for the tapes and re-listen to the meeting.

John French made a motion that future meeting minutes only be a general summary of what the intent was with the motions and votes. Deborah Dodge seconded this motion. The motion passed on a 4-0-1 vote (Brosius-Scott abstained)

John French made a motion to accept the minutes with the corrected typos and grammar errors pointed out by Brosius-Scott and Dodge. Deborah Dodge seconded this motion.

Brosius-Scott would like to amend the motion to include these specific amendments to the minutes:

February 16, 2010

Page 4, Line 23

Include her statement: Anita Brosius-Scott pointed out that the EMA Director's duties were a part of the job description when Chris Farley was hired, which was only 1 ½ years ago; thus he agreed to his contract and pay inclusive of these duties.

February 23, 2010

Page 2, Line 70

Re-listen to the tape to see if Robert Williams statement said can or can't. Clearly that would change the intent of what was said.

John French agreed to amend his motion to include Brosius-Scott's two edits listed above. Deborah Dodge agreed to second the amended motion. The motion passed on 5-0-0 vote.

Went back to remainder of agenda

10. Committee reports

Energy Committee: Morgan Laidlaw reported the committee discussed in great detail the next steps for the Ragged Mountain wind project. They are hoping to present a proposal to the Select Board first of May regarding the Fox Island Institute proposal.

Planning Board: Deborah Dodge reported they will be discussing the proposed Development Director position along with future ordinances amendments at their meeting tomorrow night.

MSAD Reorganization Planning Committee (RPC): John French reported they are still in the beginning stages. The newly formed committee is made up of a lot of new members so they have been spending a great deal of time trying to get everybody up to speed. Also Superintendent Hopkins is working on some numbers for them and she is also busy right now putting the school budgets together

Parks & Recreation Committee: Morgan Laidlaw reported as a general comment that there have been concerns among the Rec committee that a couple of times issues have bypassed their committee and gone directly to the Select Board. This has made a few members irritated and feeling like why have a Rec committee if the Select Board is not going to ask for their input.

Board member Dodge mentioned that the town received Certificates of Approval for both TIF Districts (Downtown TIF District & Business Highway TIF District) that the town applied for from the Maine Department of Economic and Community Development.

John French made a motion to adjourn at 9:25 pm. Morgan Laidlaw seconded this motion. The motion passed on a 5-0-0 vote.

Respectfully submitted,

Janice L. Esancy
Recording Secretary